



GAIL FARBER, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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November 18, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

56 November 18, 2014

Sachi A. Hamaj
SACHI A. HAMAJ
EXECUTIVE OFFICER

**TRANSFER OF POSTFIRE RAIL AND TIMBER STRUCTURE TO
CITY OF SIERRA MADRE
DELEGATION OF AUTHORITY TO TRANSFER
POSTFIRE DEBRIS FLOW MITIGATION STRUCTURES NO LONGER REQUIRED FOR
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S INTENDED PURPOSE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to approve the transfer and conveyance of the Yucca Trail rail and timber structure located in the City of Sierra Madre and to delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or her designee to transfer and convey other postfire debris flow mitigation structures that are no longer required for the purposes of the Los Angeles County Flood Control District.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find that the proposed transfer and conveyance of the Yucca Trail rail and timber structure to the City of Sierra Madre is exempt from the California Environmental Quality Act for the reasons stated in this letter and in the record of the project.
2. Find that the Yucca Trail rail and timber structure is no longer required for the purposes of the Los Angeles County Flood Control District, and direct the Chief Engineer or her designee to execute an agreement with the City of Sierra Madre and Nature Friends to transfer and convey the structure to the City of Sierra Madre.

3. Adopt a resolution that postfire debris flow mitigation structures shall be deemed no longer required for the purposes of the Los Angeles County Flood Control District when the Chief Engineer or her designee has determined that the increased debris flow hazard from the tributary area due to postfire conditions is no longer significant, and delegating authority to the Chief Engineer or her designee to transfer and convey to any person or entity any such postfire debris flow mitigation structure under such terms and conditions as the Chief Engineer or her designee determines is in the best interests of the Los Angeles County Flood Control District.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the Yucca Trail rail and timber structure is no longer required for the purposes of the Los Angeles County Flood Control District (District) and to authorize the Chief Engineer or her designee to enter into a transfer agreement, substantially similar to the enclosed, with the City of Sierra Madre (City) and Nature Friends, to transfer the structure to the City.

In early 2009, the District installed the Yucca Trail rail and timber structure to mitigate potential postfire debris impacts to properties below hillsides burned by the 2008 Santa Anita Fire. The structure is located on right of way owned by the City and property owned by Nature Friends, a private entity. The County of Los Angeles Department of Public Works has determined that the watershed tributary to the structure has recovered to the extent that the increased fire-related debris flow hazard from the hillside areas is no longer significant, and therefore the structure is no longer necessary for the District's intended purpose. Public Works typically removes these types of structures when such a determination is made. However, the City has determined that the continued presence of the Yucca Trail rail and timber structure would benefit the City and has requested the District to transfer the structure to the City. Nature Friends is amenable to being a party to the transfer agreement and allowing the structure to remain on its property with its continued operation and maintenance being under the purview of the City.

The purpose of the recommended actions is also to adopt a resolution that postfire debris flow mitigation structures shall be deemed to be no longer required for the purposes of the District when the increased debris flow hazard from the tributary area due to postfire conditions is no longer significant, as determined by the Chief Engineer or her designee, and delegating authority to the Chief Engineer or her designee to transfer and convey these structures under such terms and conditions as the Chief Engineer or her designee determine are in the best interest of the District.

The transfer of the Yucca Trail rail and timber structure and the resolution authorizing the Chief Engineer or her designee to transfer and convey other, similarly postfire debris flow mitigation structures, will benefit the District by reducing the costs associated with the removal of structures that are no longer required for the District's purposes, but are of use to others.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Community Support and Responsiveness (Goal 2). The actions will assist in sustaining infrastructure that property owners deem useful to their purposes and enable the District to dispose of unnecessary debris flow mitigation structures more quickly and with less administrative costs.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 2, subsection 13 of the Los Angeles County Flood Control Act provides: “The Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and has all the following powers: . . . 13. To . . . dispose of any property (or any interest therein) whenever in the judgment of the board of supervisors. . . .the property, or any interest therein or part thereof, is no longer required for the purposes of the district . . .”

In exercising the delegated authority granted by the resolution, Public Works will use a standard transfer agreement that is substantially similar to the enclosed transfer agreement for the Yucca Trail rail and timber structure.

ENVIRONMENTAL DOCUMENTATION

The transfer and conveyance of the Yucca Trail rail and timber structure is categorically exempt from the California Environmental Quality Act (CEQA). The transfer and conveyance is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15312 of the State CEQA Guidelines. In addition, there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption inapplicable based on the project records.

The adoption of the resolution authorizing the Chief Engineer or her designee to make similar transfers and conveyances of postfire debris flow mitigation structures is not a project pursuant to CEQA because it is an activity that is excluded from the definition of a project by Section 15378(b) of the State CEQA Guidelines. This proposed action is an administrative activity of government that will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed actions are of general Flood Control District and County interest.

CONCLUSION

Please return one adopted copy of this letter and two certified copies of the Resolution to Public Works, Water Resources Division. The resolution marked COUNTY ORIGINAL is for your files.

The Honorable Board of Supervisors

11/18/2014

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Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:CS:yg

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**TRANSFER AGREEMENT REGARDING THE RAIL AND TIMBER STRUCTURE
LOCATED AT YUCCA TRAIL**

THIS TRANSFER AGREEMENT is made and entered into by and between the Los Angeles County Flood Control District, a body corporate and politic (hereinafter referred to as DISTRICT), the City of Sierra Madre, a municipal corporation (hereinafter referred to as CITY) and The Nature Friends, a California nonprofit corporation (hereinafter referred to as NATURE FRIENDS).

RECITALS

WHEREAS, in 2008, the Santa Anita Fire burned many of the hillside areas in and around the CITY; and

WHEREAS, in 2009, the DISTRICT constructed a rail and timber structure (R and T) on property located at Yucca Trail, to mitigate the increased debris flow hazards resulting from the burned hillsides. The R and T is depicted in the attached Exhibit 1 to this TRANSFER AGREEMENT; and

WHEREAS, the R and T is located partially on property owned by CITY and partially on property owned by NATURE FRIENDS, as depicted in Exhibit 1; and

WHEREAS, the conditions in the hillside areas tributary to the R and T have recovered to the extent that the DISTRICT has determined that the R and T is no longer required for the DISTRICT'S intended purpose; and

WHEREAS, the CITY has determined that the R and T is necessary and/or useful for its purposes, and has requested the DISTRICT to transfer ownership of the R and T to the CITY.

NOW THEREFORE, in consideration of the mutual benefits to be derived by DISTRICT, CITY, and NATURE FRIENDS, and of the promises herein contained, the parties agree as follows:

1. The DISTRICT hereby transfers and conveys all of its right, title and interest in and to the R and T to the CITY.
2. The CITY hereby accepts the transfer and conveyance of the R and T from the DISTRICT and the CITY shall hereafter be responsible for the operation and maintenance of the R and T.
3. DISTRICT makes no representations or warranties as to the condition of the R and T or the suitability of the R and T for the CITY'S use or purposes.

IN WITNESS WHEREOF, the parties hereto have caused this TRANSFER AGREEMENT to be executed by and through their duly authorized officers.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
A body corporate and politic

By _____
Chief Engineer

Date _____

APPROVED AS TO FORM:

MARK J. SALADINO
County Counsel

By _____
Deputy

CITY OF SIERRA MADRE

By _____

Date _____

APPROVED AS TO FORM:

By _____
City Attorney

Date _____

THE NATURE OF FRIENDS

By _____

Date _____



YUCCA TR

City of
Sierra Madre

5764-030-034

Nature Friends Inc
423 Yucca Trail
Sierra Madre, CA 91024

City of
Sierra Madre

City of
Sierra Madre



Data contained in this map is produced in whole or part from the Los Angeles County Department of Public Works' precise database.

	Delimited R & T Structure
	Private Property
	City of Sierra Madre Properties



DATE
10/15/14

SCALE
AS SHOWN

LOS ANGELES COUNTY
DEPARTMENT OF
PUBLIC WORKS

Exhibit 1
Location of
Yucca Rail & Timber
Structure

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
DELEGATING AUTHORITY TO THE CHIEF ENGINEER TO
TRANSFER AND CONVEY POSTFIRE DEBRIS MITIGATION STRUCTURES NO
LONGER REQUIRED FOR THE LOS ANGELES COUNTY FLOOD CONTROL
DISTRICT'S INTENDED PURPOSE**

WHEREAS, when wildfires occur in hillside areas, the potential for dangerous debris flows from the burned hillsides during subsequent rain storms dramatically increases; and

WHEREAS, when conditions warrant, the Los Angeles County Flood Control District (District) installs rail and timber or similar structures (Postfire Structures) to mitigate the temporary increased debris flow hazards to properties below burned hillside areas; and

WHEREAS, the potential for increased debris flows due to postfire conditions gradually decreases to nonsignificant levels as the conditions on the burned hillside areas recover; and

WHEREAS, once fire-related debris production potential in a previously burned hillside area has decreased to nonsignificant levels, the District typically removes any postfire structures installed below those hillside areas; and

WHEREAS, private persons or entities or other public entities sometimes request the District to transfer and convey a postfire structure rather than remove it; and

WHEREAS, Section 2, subsection 13 of the Los Angeles County Flood Control Act authorizes the District to dispose of any property of the District if the property is no longer required for purposes of the District; and

WHEREAS, the delegation of authority to the Chief Engineer of the District, to dispose of postfire structures that are no longer required for the District's intended purpose, would enable the District to dispose of them more quickly and with less administrative costs to the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Los Angeles County, acting as the governing body of the Flood Control District, that:

1. A postfire structure shall be deemed no longer required for purposes of the District when the Chief Engineer or her designee determines that the tributary area's increased debris production level due to postfire conditions is no longer significant.

The foregoing resolution was adopted on the 18th day of November, 2014, by the Board of Supervisors of the County of Los Angeles acting as the governing body of the Los Angeles County Flood Control District.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles



By Carla Little
Deputy

APPROVED AS TO FORM:

MARK J. SALADINO
County Counsel

By [Signature]
Deputy